

PROPOSED
MINUTES OF THE
STATE HISTORIC PRESERVATION REVIEW BOARD MEETING

September 12, 2008, 10:00 A.M.
CONFERENCE ROOM A
CONSTITUTION HALL

BOARD MEMBERS PRESENT

Scott Beld, Lynn Evans, Richard Harms, Alison (Kim) Hoagland, Elizabeth Knibbe, Carolyn Loeb, Jennifer Radcliff, Ronald Staley

BOARD MEMBERS ABSENT

Janese Chapman

STAFF MEMBERS PRESENT

Amy Arnold, Laura Ashlee, Martha Bloomfield, Nick Bozen, Robert Christensen, Brian Conway, Brian Grennell, John Halsey, Kelly Larson, Martha MacFarlane-Faes, Kathy McGonagle, Robbert McKay, Denise Sachau, Diane Tuinstra, Todd Walsh, Ben Weaver

MEMBERS OF THE PUBLIC PRESENT

Jane Busch, concerning Midtown Woodward Historic District
Anita M. Gilleo, concerning Mathias Alten Home and Studio
Scott Grammer, concerning O'Neal v. Ann Arbor & Meyer v. Franklin
Richard Karp, concerning Durant Hotel
Kristine Kidorf, concerning Ottawa Street Power Station & O'Neil v. Ann Arbor
Matthias H. Meyer, concerning Matthias H. Meyer v. Franklin HDC
Brad Nicholson, concerning Mathias Alten Home and Studio
Heather O'Neal concerning Heather M. O'Neal v. Ann Arbor HDC
Gary Scheuren, concerning Ottawa Street Power Station
John Staran, concerning Matthias H. Meyer v. Franklin HDC
Richard Taubman, concerning Matthias H. Meyer v. Franklin HDC
Sharon M. Taylor, concerning Kittie McCoy House
Sandy Wilson, concerning Mathias Alten Home and Studio
Two illegible names not included in this list of public attendees.

APPROVAL OF AGENDA

Approved agenda with changes noted
Moved: Hoagland

Supported: Loeb
Vote: 8-0

APPROVAL OF MINUTES OF JANUARY 18, 2008

Approval of proposed minutes with changes noted.
Moved: Evans
Supported: Hoagland
Vote: 8-0

BYLAWS

The State Historic Preservation Review Board (Board) considered approval of draft State Historic Preservation Review Board Bylaws with the modifications noted by Bozen. Knibbe requested that Preservation Architect be included in the list of qualifying specializations for Board membership. Hoagland agreed with Knibbe, and added that the National Park Service's term is Historical Architect. Knibbe agreed that Historical Architect was acceptable terminology. Conway stated the language in the bylaws is based on federal regulations and that the new bylaws would have to be both Historical Architect and Architectural Historian. He added that both specializations have always been represented on the Board, and that it would be good to have that language in the bylaws. Knibbe concurred, noting the board members' new status as gubernatorial appointees.
Moved: Hoagland moved to accept the draft bylaws as modified
Supported: Loeb
Vote: 8-0

STAFF REPORTS

Brian Conway, State Historic Preservation Office:

The State Historic Preservation Office (SHPO) has hired Kathy McGonagle as its new office assistant.

The Office of Regulatory Affairs (ORA) has hired Scott Grammer to serve as the office's law clerk.

Senate Bill 973, which contains revisions to the tax credit laws, has passed its third reading, and is scheduled to pass out of the Senate shortly. A House bill that duplicates the Senate bill's language is ready to be introduced.

The Michigan Main Street Program's Community Assistance Team has moved from the Michigan State Housing Development Authority (MSHDA) back to the Michigan Economic Development Corporation (MEDC). The Main Street program itself has

remained with MSHDA. The SHPO has partnered with MSHDA/Main Street and the National Trust for Historic Preservation (NTHP). The number of Main Street staff members has been increased by adding three new positions. One position will focus on the promotion of arts and culture, another will focus on economic restructuring, and the third position will focus on community integrated development.

As an example of the MSHDA-SHPO partnership, the SHPO has received a \$140,000 grant from MSHDA to develop a cultural economic development (CED) component for the Main Street program. The SHPO has matched that grant with \$20,000. The SHPO has issued a Request For Proposal (RFP) to hire a consultant to develop a CED plan for four communities that are at the highest level of the Main Street program. Those four communities are: Boyne City, Calumet, Marshall, and Niles. There were eight good responses to the RFP, and the four communities have enthusiastically embraced the CED process.

Manistee has joined the Main Street program. It is the 13th Michigan community to do so.

The Main Street program has evolved by adding an “associate” level membership in the program. The associate level is for those communities that are interested in the principles of the Main Street program, but do not yet have the resources to fully administer the program.

Southwest Michigan Roadmap: Beachtowns – the organization of local visitors and conventions bureaus from New Buffalo to Ludington has been working with the Michigan Department of Transportation (MDOT) to develop a heritage route under the name of West Michigan Pike, which was the name of the original initiative during the early years of the auto industry to draw tourists from the Chicago area to the west Michigan coast. Under this project, many small grants totaling \$15,000 have been acquired from various community organizations. These funds have been used to hire photographer Vince Musi, who has done work for National Geographic, among other national and international organizations. Musi has also done a lot of work with Route 66. He has taken some 7,000 photographs – 40 of which will be used for display in a traveling exhibit.

Mackinac Island has come under increased development pressure in recent years. The SHPO, the Michigan Historic Preservation Network (MHPN), and the NPS have all expressed concern about the type of development that has occurred over the past decade on the island. Mackinac Island is also on the NTHP’s watch list, and several members of the Mackinac Island Planning Commission (MIPC) have expressed concern about the type of development that has taken place. Arnold and McKay, along with a representative from the National Historic Landmarks program and a consultant, met with the MIPC and urged them to develop design guidelines

for the island. The hope is that the MIPC will develop guidelines that will guide new development on the island, and establish a local historic district so that the city will have more control over what happens in the future.

Michigan Historical Markers Program: these markers are the property of the State of Michigan. A few years ago Bozen worked with the SHPO to craft new legislation that provides for stricter penalties for those who illegally possess a marker. The SHPO regularly receives calls from concerned citizens when markers disappear. The missing Tiger Stadium marker recently turned up on the web site Craig's List. The SHPO and the Attorney General's office are working together to acquire the necessary information and to find the missing marker.

The SHPO is continuing to work with the City of Cadillac and MDOT concerning the Cobbs and Mitchell Building. MDOT has moved out of the building, but the SHPO has persuaded MDOT to allow Cadillac to purchase the building for one dollar, and in turn Cadillac will issue an RFP to attract a developer that will treat the building sensitively.

The MHPN Fall Fundraiser will be taking place at the Christman/Mutual Building in downtown Lansing.

Dr. John Halsey, Office of the State Archaeologist

Until now, the Office of the State Archaeologist (OSA) has had limited dealings with the issue of repatriating human remains. This summer, however, human remains that date from the historic period were discovered during construction work in Flint. Barbara Mead has completed the paperwork required to repatriate these remains. A notice has been published in the Federal Register.

The OSA has been able to hire several people to develop a cultural resource management plan for state forestlands. The purpose of the project was to identify all sites on state forest lands, add FMU parties to site file records, update site file records, add UTM data to site file records, create a database of sites for the Department of Natural Resources (DNR), review YOE 2009 and YOE 2010 compartment reviews, review timber sales, visit all FMU offices, interview managers for plan, train staff in cultural resources and procedures, visit one or two sites per FMU, write a forest management plan, and write quarterly and final reports.

Another grant project was to catalog artifacts from the state's military properties. The majority of the state's military sites are not likely high-probability prehistoric sites, and they have previously been systematically examined. Most of what has been previously found is related to homesteads and town sites.

Halsey has conducted some minor fieldwork at Muskegon State Park, and the Derby Lake boat launch site.

The OSA has encountered major problems this year. First, as was mentioned at the previous Board meeting, human remains were discovered at a project site on Stone Street in Flint. It has not yet been determined who is going to be responsible for recovering the remains. The local tribes want the property turned over to them.

The OSA has been involved in both the Kennecott and Aquilla mining projects in the Upper Peninsula. Both projects have a potentially large environmental impact. Traditional cultural property (TCP) issues have come to the fore in both of these projects. There are limited archaeology sites, but there are significant TCP claims.

The new, permanent exhibit at the Thunder Bay National Marine Sanctuary opened in late June. Wayne Lusardi has been researching Thunder Bay's shipwrecks and sinkholes throughout the summer. Senator Carl Levin has proposed legislation that would increase the size of the marine sanctuary eightfold. The proposed boundary would stretch from the southern county line of Alcona County to the northern county line of Presque Isle county and eastward to the international boundary line.

Archaeology Day is October 11, 2008.

Halsey spent much time this summer promoting a revised edition of *Beneath the Inland Seas*. The new edition features many more shipwreck stories from a wide variety of Michigan's bottomlands.

Radcliff reported that work has been completed on a draft bill, sponsored by Senators Carl Levin and Debbie Stabenow, that will provide \$20 million each year to the nation's lighthouse stewardship organizations, and that the bill will likely be referred to the Senate Committee on Energy and Resources.

LOCAL HISTORIC DISTRICT COMMISSION APPEALS

Presented by Nick Bozen, HAL Office of Regulatory Affairs

Appeals were moved up in the agenda due to Knibbe having to leave early.

Matthias H. Meyer v. Franklin Historic District Commission

Nick Bozen reviewed and summarized the procedural history of the case, noting the issues presented by the Petitioner and describing the contents of the Proposal for Decision, the Petitioner's Exceptions, and the Respondent's Response to Exceptions. Knibbe stated that the problem seems to be that the petitioner did not submit a

complete application to the commission and the commission could not act on information it did not have about the railing and use of the roof for a deck. She further stated that the Commission had not been adequately informed of the nature of the terrace project before it received the request for the railing. Hoagland added that she had the same understanding of the situation.

Moved: Hoagland moved adoption of the Proposal for Decision that the appeal be denied.

Supported: Loeb

Vote: 8-0

Heather M. O'Neal v. Ann Arbor Historic District Commission

Knibbe stated, "as an architect that practices in Ann Arbor, we have come across the application, of the Ann Arbor Historic District Commission, of the Standards to the replacement of windows, and I had some concerns, and what I would like to do is spend a minute and go through the Standard, what it says, and how it is applied in other settings." Knibbe continued, "What I've handed out is the National Park Service's Standards for Restoration. If you look at Standard No. 6, it says 'deteriorated features for the restoration period will be repaired rather than replaced. Where the severity of deterioration requires the replacement of distinctive features the new feature will match the old in design, color, texture, and, where possible, materials.' Then, I have on the second page the Standards for Rehabilitation. You will see that they are actually written the same. The terms of that Standard is the same. However, their application is often different. The Standard for Restoration is a very high standard, and it requires keeping the existing historic material of the building wherever possible. The rehabilitation standards, as they are interpreted, can have greater flexibility built into them. My greatest experience with the rehabilitation standards is through their application by the State Historic Preservation Office and the National Park Service for historic tax credit projects. Through this process they have reviewed literally thousands of projects every year, and have really refined what it means to apply these standards. The National Park Service, in the last couple of years, has actually gone through a review of the application of the standards, specifically towards how it deals with windows and historic windows, and if you look at the next page, you'll have a clarification of guidance and increased flexibility interpreting and applying of the standards. On the second page, towards the middle of that page, you will see how it applies to windows. And it says, specifically, 'when dealing with windows that other factors may be considered in addition to deterioration to determine that historic windows may be replaced.' Down a few more lines, 'replacement of a very small percentage of the total number of historic windows does not need to be justified by deterioration.' And then on the loose page, which is actually the next page, they talk about the fact that it isn't even necessary that they be replaced with the original material, that there is flexibility to replace with non-original material because of the increased sophistication of the materials market in providing alternatives for the windows. My experience has been that, if windows reach the level of condition

that they are in this particular application, if it had been a tax credit project they would have been approved for replacement. In a wood house, probably in wood. And, so I feel that the original application was a reasonable application. Ann Arbor has taken a stance, and they tell applicants that if a historic window is there, you will repair it. That is a restoration standard, not a rehabilitation standard in terms of how it is being applied, in my opinion.”

Hoagland stated that it seems to her that the Ann Arbor Historic District Commission (HDC) didn’t consider the engineering report. Bozen commented that the HDC met in April, and inspection for the engineering report took place near July 1, and the report was completed near July 25, for the purpose of the administrative hearing. Knibbe added that the HDC sent representatives to inspect the property. Radcliff asked Bozen for guidance in determining the Board’s role in hearing appeals of decisions of the HDC. Bozen replied that the Board is responsible for reviewing what the HDC did, and affirming, modifying, or rejecting the commission action. Bozen added that this case is complicated by the fact that arguably good information was prepared by a non-attorney. He added that the Administrative Law Judge (ALJ) was technically correct in rejecting the engineering report because it wasn’t available to the HDC. Bozen also added that Ms. O’Neal should have asked for an adjournment in order to provide time for the HDC to review the report. He added that it was the charge of the Board to determine whether the HDC operated legally, given the information it had available to it. Radcliff stated that though the HDC didn’t have the engineer’s report, they had knowledge of the situation through their own inspections. Hoagland stated that she feels the HDC acted legally, but that the case should be sent back to the HDC to have them consider a) the engineer’s report, and b) the case as a rehabilitation, not a restoration. Radcliff stated that the Board has previously issued such directions. Staley added that to not consider the information contained in the engineer’s report, is beyond what should be expected of a homeowner who, with the best intentions, is seeking to replace three windows. He added that though the process is legal, there is a fault in the system, and it potentially gives historic preservation a bad name. Harms stated that the representatives of the HDC saw the same thing the engineer saw. Hoagland replied that she felt that wasn’t the case, as the engineer looked beyond the surface of the structure. Harms stated that he was concerned that if the Board sent the case back to the HDC, the HDC could feasibly make the same determination, and the case would not have moved forward. Radcliff stated that the Board must be concerned with what they are legally charged with. She added that there are two issues: one of legality, and one of reality. Conway, following up on the comments made by Knibbe, stated that when the SHPO reviews tax credit projects, there are two questions in applying the Secretary of the Interior’s Standards. One, is the window deteriorated to the extent where replacement is acceptable, and two, what does the replacement look like? Knibbe agreed that there were two questions in this case: is replacement appropriate, and what is the appearance of the replacement.

Moved: Knibbe moved modification of the Proposal for Decision to overturn the decision by the HDC to deny replacement, but retain requirement that the applicant obtain the approval of the HDC for the replacement.

Supported: Staley

Vote: 7-1 (Radcliff dissenting)

NATIONAL REGISTER NOMINATIONS

Knibbe left the meeting after the presentation of the Ottawa Street Power Station nomination.

Site: Midtown Woodward Historic District, Detroit, Wayne County

Presented By: Busch

Moved for Approval: Radcliff

Supported: Evans

Vote: 8-0

Criteria: A, C

Level of Significance: Local

Knibbe requested a photograph of the Moderne gas station be included in the nomination. Knibbe asked about the name of the district, because there is larger portion of Detroit, which includes several districts, that is known as Midtown Detroit. She also noted that, historically, the sum of the individual districts were known as Midtown. Busch replied that the Midtown area is now very fragmented. Christensen asked if all of the other districts should be noted in the nomination. Knibbe replied that they should as a resource for future researchers.

Site: Ottawa Street Power Station, Lansing, Ingham County

Presented By: Kidorf

Moved for Approval: Evans

Supported: Loeb

Vote: 6-0 (Staley and Knibbe abstaining)

Criteria: A, C

Level of Significance: State

Hoagland asked how extensive the steam heat system was in downtown Lansing. Kidorf replied that the entirety of downtown was supplied by the system. McKay added that the steam heat system is still in use.

Site: Durant Hotel, Flint, Genesee County

Presented By: McKay

Moved for Approval: Hoagland

Supported: Staley

Vote: 7-0

Criteria: A, B, C

Level of Significance: Local

Harms asked if there was anything on the National Register attached to Durant. Christensen and McKay replied that the Durant-Dort Carriage Company building was the only building currently listed.

Site: Chassell School Complex, Chassell, Houghton County

Presented By: Christensen

Moved for Approval: Loeb

Supported: Radcliff

Vote: 6-0 (Hoagland abstaining)

Criteria: A, C

Level of Significance: Local

Hoagland and her students prepared the nomination, she left the room while the nomination was being presented and discussed. Radcliff noted several typographical errors in the nomination. Harms asked if the high school was a private residence. Christensen said that was correct, but that the residence occupied only a small portion of the basement, and the rest was maintained as-is.

Site: Kittie C. McCoy House, Commerce Township, Oakland County

Presented By: Christensen

Moved for Approval: Evans

Supported: Beld

Vote: 7-0

Criteria: B

Level of Significance: Local

Hoagland said that the nomination should include information about the date of construction of the house. Hoagland also noted a typographical error in the date and period of significance.

Site: Mathias J. Alten Home and Studio, Grand Rapids, Kent County

Presented By: Ashlee

Moved for Approval: Hoagland

Supported: Staley

Vote: 7-0

Criteria: B

Level of Significance: National

Site: Durand High School, Durand, Shiawassee County

Presented By: Christensen

Moved for Approval: Radcliff

Supported: Hoagland

Vote: 7-0

Criteria: A

Level of Significance: Local

Durand High School was moved at the end of the National Register nomination presentations because the scheduled presenter did not arrive at the scheduled time,

and, in fact, did not arrive at all. Christensen presented the nomination to the Board.

Radcliff asked Conway if the Michigan Land Use Institute ever continued their work on the need for school rehabilitation. Conway stated that he wasn't aware of that program being continued. He added that the SHPO had done a study on the evolution of school construction that paralleled MLUI's initial work. Radcliff stated that the Oakland County Historical Commission has done a series of workshops on historic schools, and they've utilized *An Honor and An Ornament*, but she wasn't aware of any further studies. Staley asked if the rehabilitation work done so far has conformed to the Secretary of the Interior's Standards. McKay replied that it has.

HISTORIC DISTRICT COMMITTEE STUDY REPORTS:

Presented by Arnold

Collegeville Historic District Boundary Modification, East Lansing

The Board made no additional comments.

Ottawa Street Power Station Historic District, Lansing

The Board made no additional comments.

DATE OF NEXT MEETING

January 16, 2009

ADJOURNMENT

Moved: Staley

Seconded: Evans

Vote: 7-0

Adjourned: 12:17 p.m.

Prepared by T. Walsh